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EXAMINER	
AUSTIN, SHELTON W	
ART UNIT	**PAPER NUMBER**
2112	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/064,790	ALLPORT, DAVID E.	
	Examiner	Art Unit	
	Shelton Austin	2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 August 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 August 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/16/2002*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 56 and 60 are objected to because of the following informalities:

In regards to claim 56, the claim recites "The apparatus recited in claim 23, wherein..." when there is no apparatus in claim 23. In regards to claim 60, the limitation is recited, "wherein said program content represents..." in the first line of the claim. There is insufficient antecedent basis for this limitation in the claim. For examining purposes, "The apparatus recited in claim 23, wherein..." in line 1 of claim 56 has been changed to "The apparatus recited in claim 53, wherein..." and "wherein said program content represents..." in the first line of claim 60 has been changed to "wherein said first program represents...". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-7, 9-21, 23-37, 39-51 and 53-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner et al. (US 6,172,677; '677) in view of Nelson (US 5,710,605; '605).

In regards to claim 1, '677 teaches an electronic program guide (EPG) comprising: defining a logical grid on said display, said grid having a plurality of columns and a plurality of rows (col. 4, lines 29-57), wherein each said column has associated

therewith a beginning time and an end of a time period (Fig. 1—10; col. 3, lines 30-33); displaying in a first cell formed at an intersection of a first row and a first column, program information for a first program associated with a first source (Fig. 4—CNN, channel 22); and displaying in a second cell formed at an intersection of said first row and a second column, program information for a second program associated with a second source (Fig. 4—LOCAL NEWS, channel 51).

'677 teaches displaying the described program guide on a personal computer display. '677, however, fails to teach displaying the electronic program guide on a remote control comprising a display.

In analogous art, '605 teaches a remote control unit, and method (col. 1, lines 61-62), with a display for displaying television program schedule items, allowing a user to scroll through the list and select a television program (col. 2, lines 2-5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the program guide of '677 in the remote control of '605 in order to remotely program a television, videocassette recorder, etc. (col. 1, lines 38-42) using the display mechanism with programming schedule items displayed.

In regards to claim 2, '677 teaches the method of claim 1, further comprising the step of displaying in a third cell within a second row, program information for a third program, wherein said first, second, and third programs satisfy criteria associated with a single logical user (Fig. 4—"TOPIC" column; col. 7, lines 57-58—store information associated with a given user).

In regards to claim 3, '677 teaches the method of claim 1, wherein said program information for said first and second programs comprise title-based information (Fig. 4—CNN, LOCAL NEWS, etc.; col. 4, lines 37-39).

In regards to claim 4, '677 teaches the method of claim 1, wherein said first and second programs are associated with a first program category (Fig. 4—NEWS describes the category of the first row of the EPG).

In regards to claim 5, '677 teaches the method of claim 2, wherein said first and second programs are associated with a first program category and said third program is associated with a second program category (Fig. 4—NEWS describes the category of the first row of the EPG and SPORTS describes the category of the second row of the EPG).

In regards to claim 6, '677 teaches the method of claim 4, wherein a first icon associated with said first program category is displayed on said display (Figs. 2, 3 & 4—the triangle, circle and square are icons that can provide links to advertising graphics; col. 3, lines 56-59; col. 5, lines 15-19).

In regards to claim 7, '677 teaches the method of claim 5, wherein a first icon associated with said first program category is displayed on said display and a second icon associated with said second program category is displayed on said display (Figs. 2, 3 & 4—the triangle, upside down triangle, circle and square are icons that can provide links to advertising graphics; col. 3, lines 56-59; col. 5, lines 15-19 & 36-37).

In regards to claim 9, '677 teaches the method of claim 1, wherein the data comprises program information for a plurality of programs available from a plurality of

sources (Fig. 4—figure displays program information, i.e. titles, from different sources, such as CNN and the local news; abstract—"integrated content guide for multiple sources is provided").

In regards to claim 10, '677 teaches the method of claim 9, wherein said plurality of sources comprises a television broadcast channel (col. 1, lines 52-54).

In regards to claim 11, '677 teaches the method of claim 10 wherein said television broadcast channel is a digital broadcast channel (col. 1, lines 51-52).

In regards to claim 12, '677 teaches the method of claim 9 wherein said plurality of sources comprises a satellite broadcast channel (col. 1, line 56).

In regards to claim 13, '677 teaches the method of claim 1, further comprising the step of displaying a physical representation of at least a portion of said grid on said display (Fig. 4—rows and columns).

In regards to claim 14, '677 teaches the method of claim 1, further comprising the step of displaying on said display at least one of the times associated with said first column (Fig. 4—9:30pm is displayed according the start time of the first column; col. 3, lines 30-33).

In regards to claim 15, '677 teaches the method of claim 1, wherein a timeslot associated with said first program comprises at least two cells (Fig. 5—timeslot for first program, "Football: Packers vs Cowboys", comprises at least two cells).

In regards to claim 16, '677 teaches the method of claim 1, wherein said first program represents ongoing content (Fig. 4—any program within the program guide could represent ongoing content).

In regards to claim 17, '677 teaches a method of displaying electronic program guide (EPG) data on a remote control comprising a display, comprising: defining a logical grid on said display of the remote control, said grid having a plurality of columns and a plurality of rows (col. 4, lines 29-57), wherein each column has associated therewith a beginning time and an end of a time period (Fig. 1—10; col. 3, lines 30-33); displaying in a first cell formed at an intersection of a first column and a first row, program information for a first program associated with a first source (Fig. 4—CNN, channel 22).

'677 fails to explicitly teach displaying in a second cell formed at an intersection of a second column and a second row, program information for a second program associated with said first source.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange the display of the individual cells in order to place program information at the intersection of a second column and a second row that is associated with the first source because the user can issue a command to the system that causes a rearrangement and resorting of the display of the individual cells in order to provide a more convenient program guide to a user based upon that user's interest (Fig. 4; col. 3, lines 22-23; col. 8, lines 4-6).

Also, in regards to claim 17, '677 teaches displaying the described program guide on a personal computer display, but fails to teach displaying the electronic program guide on a remote control comprising a display.

In analogous art, '605 teaches a remote control unit, and method (col. 1, lines 61-62), with a display for displaying television program schedule items, allowing a user to scroll through the list and select a television program (col. 2, lines 2-5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the program guide of '677 in the remote control of '605 in order to remotely program a television, videocassette recorder, etc. (col. 1, lines 38-42) using the display mechanism with programming schedule items displayed.

In regards to claim 18, '677 teaches the method of claim 17, wherein said first and second programs satisfy criteria associated with a single logical user (Fig. 4—"TOPIC" column; col. 7, lines 57-58—store information associated with a given user).

In regards to claim 19, '677 teaches the method of claim 17, wherein the program information for said first and second programs comprises title-based information (Fig. 4—CNN, LOCAL NEWS, etc.; col. 4, lines 37-39).

In regards to claim 20, '677 teaches the method of claim 17, wherein said first program is associated with a first program category and said second program is associated with a second program category (Fig. 4—NEWS describes the category of the first row of the EPG and SPORTS describes the category of the second row of the EPG).

In regards to claim 21, '677 teaches the method of claim 20, wherein a first icon associated with said first program category is displayed on said display (Figs. 2, 3 & 4—the triangle, circle and square are icons that can provide links to advertising graphics; col. 3, lines 56-59; col. 5, lines 15-19).

In regards to claim 23, '677 teaches the method of claim 17, wherein the data comprises program information for a plurality of programs available from a plurality of sources (Fig. 4—figure displays program information, i.e. titles, from different sources, such as CNN and the local news; abstract—"integrated content guide for multiple sources is provided").

In regards to claim 24, '677 teaches the method of claim 23, wherein said plurality of sources comprises a television broadcast channel (col. 1, lines 52-54).

In regards to claim 25, '677 teaches the method of claim 24 wherein said television broadcast channel is a digital broadcast channel (col. 1, lines 51-52).

In regards to claim 26, '677 teaches the method of claim 23 wherein said plurality of sources comprises a satellite broadcast channel (col. 1, line 56).

In regards to claim 27, '677 teaches the method of claim 17, further comprising displaying a physical representation of at least a portion of said grid on said display (Fig. 4—rows and columns).

In regards to claim 28, '677 teaches the method of claim 17, further comprising displaying on the display at least one of the times associated with said first column (Fig. 4—9:30pm is displayed according the start time of the first column; col. 3, lines 30-33).

In regards to claim 29, '677 teaches the method of claim 17, wherein a timeslot associated with said first program comprises at least two cells (Fig. 5—timeslot for first program, "Football: Packers vs Cowboys", comprises at least two cells).

In regards to claim 30, '677 teaches the method of claim 17, wherein said first program represents ongoing content (Fig. 4—any program within the program guide could represent ongoing content).

In regards to claim 31, '677 teaches an apparatus for displaying an electronic program guide (EPG) data comprising: a personal computer system display screen; a logical grid defined on said display, said grid having a plurality of columns and a plurality of rows (col. 4, lines 29-57), wherein each said column has associated therewith a beginning time and an end of a time period (Fig. 1—10; col. 3, lines 30-33); program information for a first program associated with a first source displayed in a first cell formed at an intersection of a first row and a first column (Fig. 4—CNN, channel 22); and program information for a second program associated with a second source displayed in a second cell formed at an intersection of said first row and a second column (Fig. 4—LOCAL NEWS, channel 51).

'677 teaches displaying the described program guide on a personal computer display. '677, however, fails to teach a remote control capable of sending wireless commands and a display incorporated on the remote control where a logical grid is displayed.

In analogous art, '605 teaches a remote control unit, and method (col. 1, lines 61-62), with a display for displaying television program schedule items, allowing a user to scroll through the list and select a television program (col. 2, lines 2-5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the program guide of '677 in the remote control of '605 in

order to remotely program a television, videocassette recorder, etc. (col. 1, lines 38-42) using the display mechanism with programming schedule items displayed.

In regards to claim 32, '677 teaches the apparatus recited in claim 31, further comprising program information for a third program displayed in a third cell within a second row, wherein said first, second, and third programs satisfy criteria associated with single logical user (Fig. 4—"TOPIC" column; col. 7, lines 57-58—store information associated with a given user).

In regards to claim 33, '677 teaches the apparatus recited in claim 1, wherein said program information for said first program and said second program comprises title-based information (Fig. 4—CNN, LOCAL NEWS, etc.; col. 4, lines 37-39).

In regards to claim 34, '677 teaches the apparatus recited in claim 31, wherein said first program and second program are associated with a first program category (Fig. 4—NEWS describes the category of the first row of the EPG).

In regards to claim 35, '677 teaches the apparatus recited in claim 32, wherein said first program and said second program are associated with a first program category and said third program is associated with a second program category (Fig. 4—NEWS describes the category of the first row of the EPG and SPORTS describes the category of the second row of the EPG).

In regards to claim 36, '677 teaches the apparatus recited in claim 34, wherein a first icon associated with said first program category is displayed on said display (Figs. 2, 3 & 4—the triangle, circle and square are icons that can provide links to advertising graphics; col. 3, lines 56-59; col. 5, lines 15-19).

In regards to claim 37, '677 teaches the apparatus recited in claim 35, wherein a first icon associated with the first program category is displayed on said display and a second icon associated with said second program category is displayed on said display (Figs. 2, 3 & 4—the triangle, upside down triangle, circle and square are icons that can provide links to advertising graphics; col. 3, lines 56-59; col. 5, lines 15-19 & 36-37).

In regards to claim 39, '677 teaches the apparatus recited in claim 31 wherein the data comprises program information for a plurality of programs available from a plurality of sources (Fig. 4—figure displays program information, i.e. titles, from different sources, such as CNN and the local news; abstract—"integrated content guide for multiple sources is provided").

In regards to claim 40, '677 teaches the apparatus recited in claim 39 wherein said plurality of sources comprises a television broadcast channel (col. 1, lines 52-54).

In regards to claim 41, '677 teaches the apparatus recited in claim 40, wherein said television broadcast channel is a digital broadcast channel (col. 1, lines 51-52).

In regards to claim 42, '677 teaches the apparatus recited in claim 39, wherein said plurality of sources comprises a satellite broadcast channel (col. 1, line 56).

In regards to claim 43, '677 teaches the apparatus recited in claim 31 further comprising a display of a physical representation of at least a portion of said grid (Fig. 4—rows and columns).

In regards to claim 44, '677 teaches the apparatus recited in claim 31 further comprising a display of at least one of said times associated with said first column (Fig. 4—9:30pm is displayed according the start time of the first column; col. 3, lines 30-33).

In regards to claim 45, '677 teaches the apparatus recited in claim 31 wherein said first program comprises at least two cells to which a timeslot is associated therewith (Fig. 5—timeslot for first program, "Football: Packers vs Cowboys", comprises at least two cells).

In regards to claim 46, '677 teaches the apparatus recited in claim 31 wherein said first program represents ongoing content (Fig. 4—any program within the program guide could represent ongoing content).

In regards to claim 47, '677 teaches an apparatus for displaying electronic program guide (EPG) data comprising; a personal computer system display screen; a logical grid defined on said display, said grid having a plurality of columns and a plurality of rows (col. 4, lines 29-57), wherein each column has associated therewith a beginning time and an end of a time period (Fig. 1—10; col. 3, lines 30-33); program information for a first program associated with a first source displayed in a first cell formed at an intersection of a first column and a first row (Fig. 4—CNN, channel 22).

'677 fails to explicitly teach program information for a second program associated with a first source displayed in a second cell formed at an intersection of a second column and a second row.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange the display of the individual cells in order to place program information at the intersection of a second column and a second row that is associated with the first source because the user can issue a command to the system that causes a rearrangement and resorting of the display of the individual cells in order

to provide a more convenient program guide to a user based upon that user's interest (Fig. 4; col. 3, lines 22-23; col. 8, lines 4-6).

Also, in regards to claim 47, '677 teaches displaying the described program guide on a personal computer display. '677, however, fails to teach a remote control capable of sending wireless commands and a display incorporated on the remote control where a logical grid is displayed.

In analogous art, '605 teaches a remote control unit, and method (col. 1, lines 61-62), with a display for displaying television program schedule items, allowing a user to scroll through the list and select a television program (col. 2, lines 2-5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the program guide of '677 in the remote control of '605 in order to remotely program a television, videocassette recorder, etc. (col. 1, lines 38-42) using the display mechanism with programming schedule items displayed.

In regards to claim 48, '677 teaches the apparatus recited in claim 47, wherein said first program and said second program satisfy criteria associated with a single logical user (Fig. 4—"TOPIC" column; col. 7, lines 57-58—store information associated with a given user).

In regards to claim 49, '677 teaches the apparatus recited in claim 47, wherein said program information for said first program and said second program comprises title-based information (Fig. 4—CNN, LOCAL NEWS, etc.; col. 4, lines 37-39).

In regards to claim 50, '677 teaches the apparatus recited in claim 47, wherein said first program is associated with a first program category and said second program

is associated with a second program category (Fig. 4—NEWS describes the category of the first row of the EPG and SPORTS describes the category of the second row of the EPG).

In regards to claim 51, '677 teaches the apparatus recited in claim 50, wherein a first icon associated with said first program category is displayed on said display (Figs. 2, 3 & 4—the triangle, circle and square are icons that can provide links to advertising graphics; col. 3, lines 56-59; col. 5, lines 15-19).

In regards to claim 53, '677 teaches the apparatus recited in claim 47, wherein said data comprises program information for a plurality of programs available from a plurality of sources (Fig. 4—figure displays program information, i.e. titles, from different sources, such as CNN and the local news; abstract—"integrated content guide for multiple sources is provided").

In regards to claim 54, '677 teaches the apparatus recited in claim 53, wherein said plurality of sources comprises a television broadcast channel (col. 1, lines 52-54).

In regards to claim 55, '677 teaches the apparatus recited in claim 54, wherein said television broadcast channel is a digital broadcast channel (col. 1, lines 51-52).

In regards to claim 56, '677 teaches the apparatus recited in claim 53, wherein said plurality of sources comprises a satellite broadcast channel (col. 1, line 56).

In regards to claim 57, '677 teaches the apparatus recited in claim 47, further comprising a display of a physical representation of at least a portion of said grid (Fig. 4—rows and columns).

In regards to claim 58, '677 teaches the apparatus recited in claim 47, further comprising a display of at least one of said times associated with said first column (Fig. 4—9:30pm is displayed according the start time of the first column; col. 3, lines 30-33).

In regards to claim 59, '677 teaches the apparatus recited in claim 47, wherein a timeslot associated with said first program comprises at least two cells (Fig. 5—timeslot for first program, "Football: Packers vs Cowboys", comprises at least two cells).

In regards to claim 60, '677 teaches the apparatus recited in claim 47, wherein said program content represents ongoing content (Fig. 4—any program within the program guide could represent ongoing content).

4. Claims 1, 8, 17, 22, 31, 38, 47 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner et al. ('677) in view of Darbee et al. (US 6,130,726, '726).

The limitations of claims 1, 17, 31 and 47 in regards to '677 have been discussed above. Again, '677 fails to teach displaying the electronic program guide on a remote control comprising a display.

In analogous art, '726 teaches a program guide on a remote control display (Fig. 1—14). The remote control has a graphic display for depicting program scheduling and/or advertising without causing an interruption in viewing content (col. 2, lines 46-449).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the program guide of '677 in the remote control of '726 in order to deliver both program scheduling and advertising data to a user without causing

an interruption in any programming that currently is being viewed by the user (col. 2, lines 29-32).

In regards to claims 8, 22, 38 and 52, '677 fails to teach the data is displayed in a font or set of fonts having predetermined size and shape attributes to suit said logical user.

In analogous art, '726 teaches the ability to vary the size of the font(s) used for the program guide as well as the ability to use different character sets and languages on the display of the remote control unit (col. 10, lines 51-59).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the data to be displayed in different, predetermined sizes and shapes chosen by the user in order to enable users with impaired vision to more easily view the data or to enable users with better-quality vision to view more information in the same area (col. 10, lines 54-59).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 5,758,259, Lawler, teaches an electronic program guide with a criteria panel which identifies multiple different criteria for selecting preferred programming and a grid with program titles listed in columns and rows according to the certain criteria.

US 6,532,592, Shintani et al., teaches a remote control unit that can receive electronic program guide information from a television and display the program guide on a display device on the remote control.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelton Austin whose telephone number is (571) 272-9385. The examiner can normally be reached on Monday through Thursday from 7:30-5:00. The examiner can also be reached on alternate Fridays from 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker whose telephone number is (571) 272-0911, can be reached on Monday through Thursday from 7:30-5:00. The supervisor can also be reached on alternate Fridays from 7:30-4:00. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shelton Austin
12/06/2006

JEFFREY STUCKER
SUPERVISORY PATENT EXAMINER